

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :

INTEREST RATE SWAPS ANTITRUST LITIGATION :

This Document Relates to All Actions :
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16-MD-2704 (PAE)

16-MC-2704 (PAE)

ORDER NO. 61

ORDER RESOLVING DISCOVERY DISPUTE

PAUL A. ENGELMAYER, District Judge:


The Court has reviewed the parties' competing letters, Dkts. 733, 740, as to the upcoming deposition of trueEX LLC CEO Sunil Hirani. Defendants seek leave to conduct 14 hours of questioning on Mr. Hirani and to treat Mr. Hirani's deposition as counting towards two depositions of trueEX personnel. trueEX opposes this application and asks the Court to defer judgment on the application for extended testimony until after the initial seven hours of testimony.

It is clear to the Court that substantial extended testimony from Mr. Hirani, beyond the ordinary 7-hour limit, is justified for the reasons stated by defendants, including on account of Mr. Hirani's central role at trueEX and the duration of trueEX's IRS business and of its claims against defendants. The Court accordingly grants defendants' application for 14 hours of on-the-clock testimony, with the deposition commencing on April 4 and continuing on April 5, and with the deposition to be counted towards two depositions of trueEX personnel.

For counsel's benefit, the Court considered an alternative arrangement, in which it would have authorized 12 hours of testimony and invited submissions the night of April 4 as to whether an additional 2 hours were warranted, while notifying counsel that the Court was highly likely to authorize the additional two hours. The Court's judgment, in the end, was that, given the number

of parties that may need to question Mr. Hirani, it was better to have the authorized duration of the deposition known at the outset.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: March 19, 2019
New York, New York